

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Prohibition & Excise Department – Nizamabad District – Sri R.Potha Reddy, Prohibition & Excise Head Constable and Sri V.Laxminarayana, Prohibition & Excise Head Constable of Nizamabad District – assigning of notional seniority in the category of Prohibition & Excise Head Constable –Orders - issued.

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REVENUE (EXCISE.I) DEPARTMENT

G.O.Rt.No.1470

Dated:16TH July, 2008

Read the following:

1. From the CPE, Cr.No.3820/2007/CPE/H3, Dated:17-07-2007.
2. Govt.Memo No.49468/Ex.I(2)/2007-1, dated:14.12.2007
3. From the CPE, Cr.No.3820/2007/CPE/H3, Dated:13-03-2008

ORDER:-

In the reference 1st read above, the Commissioner of Prohibition & Excise has stated that the Prohibition & Excise Superintendent, Nizamabad District submitted that Sri R.Potha Reddy, Prohibition & Excise Head Constable, SHO, Armoor of Nizamabad District and Sri. V. Laxminarayana, Prohibition & Excise Head Constable, SHO Nizamabad of Nizamabad District have submitted representations requesting for notional promotion in the cadre of Prohibition & Excise Head Constable on par with their juniors viz., Sri M.Shankaraiah and Sri B. Sanjeeva Rao, who joined as Prohibition & Excise Head Constables on 19.08.1997. Further the Prohibition & Excise Superintendent, Nizamabad has stated that in the year 1986, recruitment to the posts of Excise Constables was made and appointed (20) candidates as Excise Constables, Sri. R. Potha Reddy and Sri V. Laxminarayana were also appointed as Prohibition & Excise Constables and joined duty on 28.04.1986 and 30.04.1986 respectively and their services were regularized in the cadre of Prohibition & Excise constable. The Excise Superintendent, vide Cr. No. A2/5186/91, dated: 16.04.1993 communicated the final seniority list of Prohibition & Excise Constables / Tree Markers/Driver of Nizamabad District. Some of the Constables have represented the Deputy Commissioner of Prohibition & Excise, Nizamabad Division for revision of their seniority fixed by the Excise Superintendent, Nizamabad. The Deputy Commissioner of Prohibition & Excise, Nizamabad Division has communicated the revised final seniority list of Prohibition & Excise Constables/Tree Markers/Driver of Nizamabad District vide Rc.No. A3/1751/96, Dated: 16.03.1997 as per Rule 33 of A.P.State & Subordinate Service Rules, 1962. Further he has stated that from 1997 onwards further promotions from the cadre of Prohibition & Excise Constable to the next higher cadre have been given as per the Seniority list of 1997 communicated by the Deputy Commissioner of Prohibition & Excise, Nizamabad Division. Some of the Constables have approached the Hon'ble Andhra Pradesh Administrative Tribunal and filed O.As against the Seniority list, 1997 communicated by the Deputy Commissioner of Prohibition & Excise, Nizamabad Division.

2. The Hon'ble Andhra Pradesh Administrative Tribunal in their judgement in O.A.No.2981/2004 with M.A.No.325/2005, Dated:07.02.2006 have set aside the seniority list of 1997 communicated by the Deputy Commissioner of Prohibition & Excise, Nizamabad Division and the seniority list contained in proceedings No. A2/5186/91, Dated: 16.04.1993 which has become final, shall be followed for the purpose of ordering promotions to the next high posts. As per the seniority list of 1993 Sri R. Potha Reddy and Sri V. Laxminarayana are ranked at Sl.No.187 and 192 respectively and as per the seniority list 1997 they assigned rank at Sl.No.196 and 197 respectively.

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3. The Prohibition & Excise Superintendent, Nizamabad has stated that Sri R. Potha Reddy (187) and Sri V. Laxminarayana (192) were qualified and eligible for promotion to the post of Prohibition & Excise Head Constable as on the date of promotion of their juniors viz., Sri. T. Kishan Goud (190) and Sri B. Sanjeeva Rao (193) who were promoted as Prohibition & Excise Head Constable w.e.f. 19.08.1997 as per the seniority list 1993. In view of the above, Sri R. Potha Reddy and Sri V. Laxminarayana are eligible for notional date of promotion in the cadre of Prohibition & Excise Head Constable w.e.f. 19.08.1997 on par with their immediate juniors viz., Sri Kishan Goud and Sri B. Sanjeeva Rao, Prohibition & Excise Head Constables.

4. In the reference 2nd read above, the Government have provisionally accepted for assigning notional promotion & seniority in favour of Sri R. Potha Reddy and Sri V. Laxminarayana, Prohibition & Excise Head Constable in the category of Prohibition & Excise Head Constable w.e.f. 19.8.1997 on par with their juniors, Sri Kishan Goud and Sri B. Sanjeeva Rao respectively. Accordingly, the Commissioner of Prohibition & Excise was requested to issue notices to the persons to be effected due to this notional promotion under Rule 24 of A.P. State & Subordinate Service Rules, 1996 and examine the objections received if any and furnish the same along with his remarks to the Government for taking further action for relaxation of rule 33(a) of A.P. State & Subordinate Service Rules, 1996 in favour of the individuals for assigning notional date of promotion.

5. In the reference 3rd read above the Commissioner of Prohibition & Excise has forwarded the report of the Prohibition & Excise Superintendent, Nizamabad, where in he has stated that show cause notices have been issued to the affected persons and they have been acknowledged by the individuals concerned on 27.01.2008 and nobody has filed any objection against the proposed notional seniority within the stipulated time given in the show cause notices. Thus, it seems that nobody is having any objection for assigning the notional seniority to Sri R. Potha Reddy and Sri V. Laxminarayana Prohibition & Excise Head Constables w.e.f. 19.08.1997 in the cadre of Prohibition & Excise Head Constable. He has therefore requested to issue orders for relaxation of Rule 33(a) of Andhra Pradesh State & Subordinate Service Rules, 1996 in favour of Sri R. Potha Reddy and Sri V. Laxminarayana, Prohibition & Excise Constables in the category of Prohibition & Excise Constable and assign notional date of promotion and seniority with effect from 19.8.1997 on par with their juniors.

6. Government, after careful examination of the matter, hereby assign notional promotion & seniority in favour of Sri R. Potha Reddy and Sri V. Laxminarayana, Prohibition & Excise Head Constables in the category of Prohibition & Excise Head Constable w.e.f. 19.08.1997 on par with their juniors, Sri Kishan Goud and Sri B. Sanjeeva Rao respectively in relaxation of Rule 33 (a) of the A.P. State & Subordinate Service Rules, 1996.

7. The Commissioner of Prohibition & Excise, A.P., Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**G.SUDHIR
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner of Prohibition & Excise, A.P., Hyderabad.
Copy to:- the Deputy Commissioner of Prohibition & Excise, Nizamabad.
SF/Sc

// FORWARDED :: BY ORDER //

SECTION OFFICER